THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4065 OF 2005

Dt:01.03.2007

Between:
S.Mallesham Gound

.. Petitioner

and

The secretary and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4065 OF 2007

ORDER:

The vehicle of the petitioner bearing No.AP 15 V 4705 was seized on 06.02.2007, on the ground that the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure.

Heard Sri K. Venumadhav, the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 06.02.2007, issued by the 2nd respondent, discloses that the petitioner did not produce Permit, Fitness Certificate, Driving Licence, I.C. etc. Certain other lapses were also

pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) the vehicle bearing No.AP 15 V 4705 shall be released to the petitioner on his depositing a sum of Rs.5,000/- (Rupees Five Thousand Only).

b) the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required; and

c) the petitioner shall not ply the vehicle without valid permit.

01.03.2007

Note: Issue C.C. tomorrow.

(B/o)

JSU